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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 3

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION

Progress report on the implementation of Sub-Commission decision 1996/120

Note by the Secretariat

1. In its decision 1996/120 of 29 August 1996 the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided to entrust two of its members, Mr. José Bengoa and Mr. Mustafa Mehedi, with the preparation, without financial implications, of a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, together with two members of the Committee on the Elimination of Racial Discrimination, Mr. Ivan Garvalov and Mrs. Shanti Sadiq Ali, to be submitted to the two bodies at their respective sessions in August 1997.

2. As indicated in a note by the Secretariat (E/CN.4/Sub.2/1997/6), and following the course of action proposed on 30 May 1997 by the Chairman of the forty-eighth session of the Sub-Commission, the four experts met on 14 and 21 August 1997 to discuss their respective contributions to, and other modalities of, the joint working paper.

3. The experts agreed on an outline of the future working paper and a division of work between them.

4. It was further agreed that the four experts would request additional information from Governments, asking them to describe the latest measures taken to implement article 7.

5. The information available from reports of States parties to the Committee and the additional information requested by the experts from Governments will be communicated by the Secretariat to the experts for analysis which is to be made on a regional basis.

6. The contributions from the four experts will then be put together to form a draft working paper. The paper, as approved by the experts, will be submitted to the fiftieth session of the Sub-Commission and the fifty-third session of the Committee on the Elimination of Racial Discrimination in August 1998.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
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of Minorities
Forty-ninth session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 27 August 1997 from the Permanent Representative of the Republic of Armenia to the United Nations Office in Geneva, addressed to the Chairman of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

I have the honour to transmit herewith a letter dated 17 August 1997 addressed to the Secretary-General of the United Nations by Mr. Leonard Petrossian, Acting President of the Republic of Nagorno-Karabagh.

I should be grateful if the text of the present letter and its annex 1/ could be circulated as an official document under the relevant agenda item of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

(Signed) Karen Nazarian
Permanent Representative

1/ The attachment is reproduced as received in the language of submission only.

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ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ
ԿԱՌԱՎԱՐՈՒԹՅՈՒՆ

**GOVERNMENT
OF THE NAGORNO-KARABAGH
REPUBLIC**

Ստեփանակերտ — Stepanakert

№ 9/ԿԿ-48 « 17 » August 199 թ.

Dear Sir,

During the past several years the Azerbaijani government has been actively disseminating false and fabricated information on Nagorno Karabagh, and the consequences of the Nagorno Karabagh armed conflict. The information provided by Azerbaijan on the occupied territories, refugees and displaced persons do not correspond to the existing realities.

We believe the unavailability of accurate and objective information to the mediators and the international community on the Nagorno Karabagh conflict and its consequences lead to inaccurate decisions and conclusions.

The enclosed document, which is prepared on the basis of objective analysis and official sources, intends to set the record straight on wide range of issues, and thus contribute to a better understanding of the prevailing situations, the facts about the conflict and the general environment surrounding the Nagorno Karabagh conflict.

I remain at your disposal for any additional information.

Yours sincerely,

Leonard Petrossian
Acting President of the
Republic of Nagorno Karabagh

United Nations Secretary-General

cc: UN High Commissioner for Refugees
cc: UN High Commissioner for Human Rights
cc: International Organization for Migration
cc: Inter-Parliamentary Union
cc: Parliamentary Assembly of the CIS
cc: OSCE Parliamentary Assembly
cc: Parliamentary Assembly of the Council of Europe
cc: Ministries of Foreign Affairs of the Member States of the OSCE Minsk Group

DATA ON REFUGEES, DISPLACED PERSONS AND TERRITORIES OCCUPIED DURING MILITARY ACTIONS IN NAGORNO KARABAGH AND AZERBAIJAN

NAGORNO KARABAGH

When reference is made to the occupied territories of Nagorno Karabagh, to refugees and displaced persons in Nagorno Karabagh, the authorities of the Nagorno Karabagh Republic use the names "Nagorno Karabagh Autonomous Region" (NKAR), "the Nagorno Karabagh Republic" (NKR) and "Nagorno Karabagh" (NK). NKAR comprises territories bound by the administrative borders of the former Nagorno Karabagh Autonomous Region.

The Nagorno Karabagh Republic (NKR) does not encompass all of Armenian Karabagh in its geographic, historical and ethnic entirety. Rather, it consists of the former NKAR together with the Shaumian district to the north. On these very territories, according to the then effective Soviet legislation, particularly Art. 3 of the "Law of the USSR on the Procedure of Cessation from the Union of Soviet Socialist Republics" of April 3, 1990, pursuant to the September 2, 1991 Declaration of the joint session of the NKAR and Shaumian District Soviets of the People's Deputies and on the basis of the popular referendum of December 10, 1991, the Nagorno Karabagh Republic was proclaimed. The population of these very territories elected and established the current authorities of the NKR. In the mandate of the OSCE Minsk Group of March 1992 these are referred to as "elected and other representatives of Nagorno Karabagh."

Armenian Nagorno Karabagh as a whole covers a considerably larger area, including the northern part of Nagorno Karabagh (the population of which was predominantly Armenian before 1988) and other regions (this can be well observed on Map 1.)

REFUGEES AND DISPLACED PERSONS IN NAGORNO KARABAGH

The Armenian population of Nagorno Karabagh reached 300,000 to 330,000 in 1918. Had conditions of normal development prevailed, the Armenian population of Nagorno Karabagh would have reached 700-800 thousand in 1988. As a result of the Turkish-Azeri aggression in 1918-20 that aimed at the total cleansing of the Armenians of Nagorno Karabagh, 20% of all Armenians were killed. In Shushi, which was one of the biggest towns of the Transcaucasus, 20,000 Armenians were massacred by Turkish-Azeri troops. Even in spite of this, Armenians made up 95% of the population of the Nagorno Karabagh Autonomous Region when it was created in 1923, and later renamed NKAR in 1936. Azeris were only 3% of the population of the Region . During the 70 years of the Soviet-Azeri regime, the Armenian population did not increase in absolute numbers either in Nagorno Karabagh as a whole or in the NKAR because of discrimination and forced emigration of Armenians. Today 600,000 descendants of the Armenians of Karabagh live in Armenia and other republics of the CIS. As a percentage of the entire Karabagh population, Armenians fell to 77%. At the same time as the Armenian numbers decreased, an influx of Azeris raised their absolute number several times.

According to the official 1989 USSR census, the NKAR had 189,000 inhabitants, of whom 145,500 (76.9%) were Armenians and 40,600 (21.5%) were Azeris. Another 17,000 Armenians (80% of which population) and over 3,000 Azeris lived in the Shaumian district. The census, however, overlooked over 23,000 Armenian refugees from Baku, Sumgait and several other cities, who, when the census was being conducted in January of 1989, actually lived in the former NKAR. These refugees however, had no NKAR "registration" (a stamp in the passports of all Soviet citizens to show where they lived) and hence were considered to be living in their former residences.

Thus, the total Armenian population of both the NKAR and the Shaumian district was 185,000; Azeris numbered 44,000, Russians, Ukrainians, Greeks, Tatars and others about 3,500. Although the northern part of Nagorno Karabagh was together with the whole of Nagorno Karabagh given to Azerbaijan by the Russians in 1921, was not included in the NKAR that was created in 1923 on the territory of Nagorno Karabagh, nor was the Shaumian district. The drawing of the borders of the autonomous region was entrusted by Moscow to the Azeris themselves. The borders of the northern territories of NK, where Armenians lived in close, homogeneous settlements, were later redrawn several times and finally, as a result of the policy intended to turn the Armenian population from an overwhelming majority into a minority, these territories were divided and included in the newly created administrative districts of the Azerbaijani Soviet Socialist Republic, in the 1930s: Dashkesan, Shamkhor, Gedabek, and Khanlar. Nevertheless, in 1988 Armenians still constituted an absolute majority of the population of Northern Karabagh (Map 1) that included the mountainous parts and partly also the foothills of the mentioned districts of the AzSSR.

In 1988 the following numbers of Armenians lived in this area:

the Khanlar district	14,600
the Dashkesan district	7,300
the Shamkhor district	12,400
the Gedabek district	1,000
the city of Gyanja	48,100
Total	**83,400**

The Armenian population of Northern Karabagh alone was more than twice the Azeri population of the former NKAR. In the city of Gyanja alone there lived 7,000 more Armenians than there were Azeris in the whole of the former NKAR, or four times the number of Azeris living in the town of Shushi.

Thus, by the end of 1988 the entire Armenian population of Nagorno Karabagh as a whole (the NKAR, the Shaumian district and Northern NK) was 268,000.

The Armenians of Northern NK were forcibly deported in 1988-91. Deportations started in the autumn of 1988 and came to an end already after the beginning of the open armed phase of the conflict. The last Armenian settlements in the zone, Ghetashen and Martunashen were ravaged in April-May, 1991, as a result of the joint operation of the Ministry of Internal Affairs of Azerbaijan and internal troops of the USSR. During this operation called "Ring," 24 Armenian settlements in Nagorno Karabagh were occupied by Azerbaijan and their entire populations were deported. Currently the overwhelming majority of the refugees from Northern NK lives in Armenia, some of them are in Russia and only a few are in the NKR.

During the military actions in the summer and autumn of 1992 the Azerbaijani army completely took hold of the Shaumian district, about two-thirds of the Mardakert district, parts of the Martuni, Askeran and Hadrut districts of the NKR. As a result 66,000 Armenians became refugees or displaced persons. After the liberation by the Defence Army of Nagorno Karabagh Republic of the greater part of the occupied territories (except for the Shaumian district and parts of the Mardakert and Martuni districts of NK), 35,000 refugees returned to the NKR. However either because their villages were completely destroyed or because they are still under Azeri occupation, most of these people should be still be identified as displaced persons.

Thus, the total number of Armenian refugees from Nagorno Karabagh is 114,000. Of these 83,000 are from Northern NK, 31,000 are predominantly from the Shaumian and Mardakert districts of the NKR.

There are about 30,000 displaced persons in the NKR.

Of the total 185,000 Armenian population of the NKR in 1991 , at present there are 61,000 refugees and displaced persons from the NKR proper, thus comprising 33% of the Armenian population of the NKR (1991 figures). This means that one-third of the NKR population are refugees or displaced persons.

Together with the refugees of Northern NK (see above) the total number of refugees and displaced persons comes to 144,000, which is 54% of the Armenian population of Nagorno Karabagh as a whole (NKR and Northern NK), according to 1988 figures.

Thus, since 1988, every other Armenian of Karabagh, of those who lived at that time on their own historic lands, has become either a refugee or a displaced person. Although most of the thousands of Armenians who had lived in Baku, Sumgait and several other towns and districts of Azerbaijan and became refugees as a result of the conflict* descent from Karabagh, we deliberately limited ourselves to the geographic and demographic borders of Nagorno Karabagh and do not here speak about this very large category of Armenian refugees, which may become a subject of discussion between Armenia and Azerbaijan.

The fore-cited figures demonstrate vividly that of the two parties of the conflict, i.e. Nagorno Karabagh and Azerbaijan (see figures concerning Azerbaijan below), the first suffers an incomparably more difficult situation in terms of refugees and displaced persons. It should also be added that contrary to the fact that Azeri refugees receive humanitarian aid from international organisations, the NKR receives practically no assistance from such organisations for its refugees and displaced persons. Thus, we actually deal with a situation where international organisations discriminate refugees on the basis of their nationality.

OCCUPIED TERRITORIES OF THE NKR

By occupied territories of Nagorno Karabagh the authorities of the NKR mean the territories of the NKR occupied by Azerbaijan. As already stated above, NKR does not cover the whole Armenian Karabagh in its geographic, historical and ethnic entirety but only the territories of the former NKAR and the Shaumian district (see above), where the authorities of the NKR had full power in the beginning of openly military actions.

As a result of military actions between Azerbaijan and the NKR the Azeri troops occupied in 1992 and still hold about 750 km^2 of the NKR territory, which comprises 15% of latter's area. These territories comprise the whole of the Shaumian district (600 sq. km) and parts of the Mardakert and Martuni districts (Map 2).

AZERBAIJAN

According to the propaganda of Azeri authorities and their official representatives, allegedly 20% of the area of Azerbaijan is occupied at present and there exist more than 1 million refugees and displaced persons. It is said that this situation is a result of Armenia's aggression against Azerbaijan and the seizure by Armenia of both NK and adjacent districts.

It should be mentioned that none of the UN Security Council resolutions concerning the NK conflict contains any expression of "aggression" by Armenia or demands that her troops be withdrawn from the territory of Azerbaijan and Nagorno Karabagh (see the 1993 UN SC resolutions 822, 853, 874, 884.)

THE ISSUE OF THE OCCUPIED AZERI TERRITORIES

According to the maps utilised by the representatives of the Azerbaijani Republic (Map 3), the total area of the territories occupied by the Defence Army of NKR allegedly amounts to 8,780 sq. km., the total area of the Azerbaijani Republic being 86,600sq. km. A simple arithmetic calculation shows that the area of the seven, adjacent to NK, districts of Azerbaijan make up only 10% of the republic's territory. Even if we were to consider that the Nagorno Karabagh Republic proper is itself an "occupied territory," as it is officially claimed by the leaders of Armenia, the area will make only 13% and not 20%.

As has already been mentioned, nothing has ever been said in any place in any of UN or OSCE documents about "Armenia's occupation of the territories of Azerbaijan." That is only the result of the falsification efforts of the Azeri propaganda. As Nagorno Karabagh cannot possibly occupy itself, then territories of the NKR over which the NKR authorities have control (about 4,300) cannot principally, under any circumstances, be considered as "occupied territories of the Azerbaijani Republic."

It should particularly be mentioned that maps utilised by the Azeri side are, first, drawn on a distorted scale, as Nagorno Karabagh and adjacent territories, in comparison with the neighbouring regions, are drawn larger than they are in reality, and second, the line of the Karabagh-Azeri military contact is drawn more eastwards than the genuine borders of the confrontation: a fact to be easily observed if Azeri maps are compared with the military and other maps used by the OSCE Minsk Group on the NK conflict.

Fundamentally, it must be noted that the area of the occupied territories is overstated, regardless of which Azerbaijani tactic is considered.

It is known that in the course of military actions the Defence Army of Nagorno Karabagh Republic entirely seized five districts of Azerbaijan (Lachin, Kelbadjar, Kubatly, Zangelan and Jebrail). Parts (about 30%) of the Agdam and Fizuly districts have also been occupied (Map 2 and maps of the OSCE Minsk Group).

According to Azerbaijani data, the area and population of the mentioned districts are:

District	**Territory (km²)**	**Population (thousand)**
Kelbadjar	1,936	50,6
Lachin	1,835	59,9
Kubatly	802	30,3
Jebrail	1,050	51,6
Zangelan	707	33,9
Agdam	1,094	158
Fizuly	1,386	100

The total area of the first five districts is 6,330 km². The total area of the Agdam and Fizuly districts is 2,480 km², however the Defence Army of NKR controls 35% of Agdam and 25% of Fizuly

districts, i.e. respectively 383 and 347 km². Hence, the figure of 8,780 km² of area of occupied territories claimed by the Azeri side is a falsification as well.

The total area of the territory of the Azerbaijan, controlled by the NKR is not 8,780 km². It is instead 7,059 km² which is 8% of the area of the former AzSSR, i.e. it is 2.5 times smaller than 20%, a figure constantly mentioned by the leaders and representatives of AR, deliberately misleading the international community and world public opinion. It should also be mentioned that Azerbaijan occupies 15% of the territories of the NKR.

REFUGEES AND DISPLACED PERSONS IN AZERBAIJAN

168,000 Azeris left Armenia in 1988-1989. Most of these 168,000 who left Armenia after 8-10 months of the Armenian pogroms in Sumgait and forced deportation of 350 thousand Armenians from the AzSSR, were able to exchange or sell their houses built in rural areas. The rest received financial compensation (a total of 72 million rubbles or about 100 million USD at the exchange rate of the time) from the government of Armenia (Armenian refugees have received no compensation to this date).

Virtually the whole Azeri population, 40,600 people or 21.5% of the population of the former NKAR (according to the 1989 USSR census), left the former NKAR during the military actions. It should be mentioned that Azerbaijan deliberately overstates the number of the Azeri population of the former NKAR, speaking of "60,000 people" or about "a third of the population."

The Azeri population of the Shaumian district stayed further to live in their homes in all of the four Azeri villages situated along the border, in the northern and southern parts of the district (the line of Karabagh-Azeri front passed here in 1992-93). Nor has the suffered the Azeri population living on the territories adjacent to and in the very settlements of Northern Nagorno Karabagh, from where 83 thousand Karabagh Armenians were deported in 1988-91. Moreover, more than 100 thousand Azeri refugees were housed in the abandoned homes and apartments of Armenians driven out of the northern part of Nagorno Karabagh.

According to Azerbaijani data cited above, the population of the seven districts that have been either entirely or partially occupied by the Defence Army of NKR was 483,000 in 1989. Taking into account that the Agdam and Fizuly districts are occupied partially, the total number of displaced persons who have left these districts, constituted about 420,000 of which 45,000, according again to Azerbaijani data, returned to their homes in 1997. Thus, of the total number of the inhabitants of the mentioned 7 districts only 375,000 are refugees and displaced persons.

Thus, in addition to the above-cited figures of the number of refugees from Armenia (168,000, who however, because they have exchanged their houses or received compensation, may hardly be called refugees) and from NK (40 thousand) comprise the total number of refugees and displaced persons in Azerbaijan.

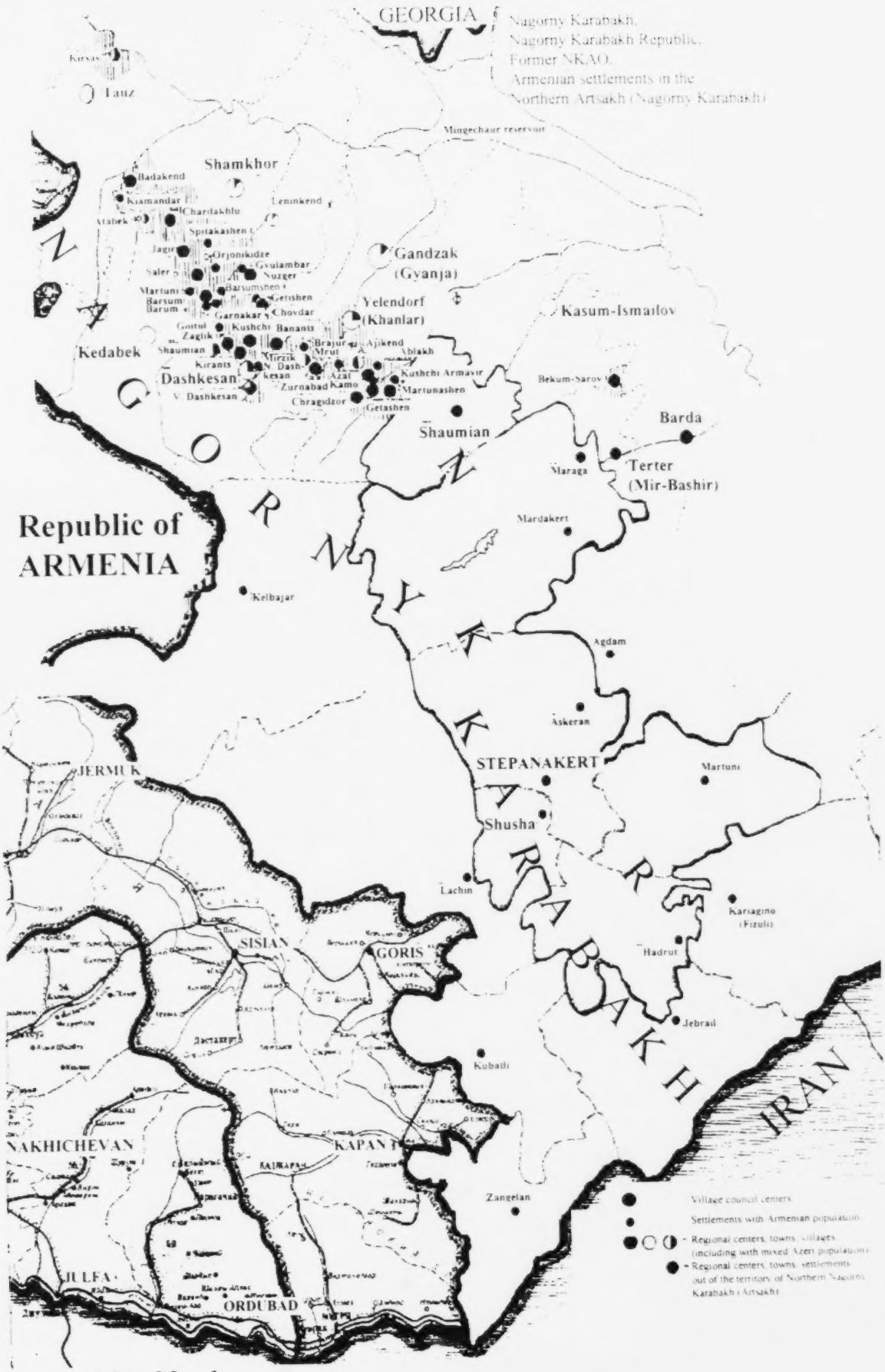
Thus, as the result of the NK conflict, there are 583 thousand refugees and displaced persons in Azerbaijan, comprising 7.9% of a population that has been officially declared. Claims about "a million refugees in Azerbaijan" are propagandistic falsification as the claim about "20% occupied territories of Azerbaijan."

It should be recalled that one-third of the population of the NKR are refugees and displaced persons. According to data from the Republic of Armenia, refugees comprise 12% of the population of

Armenia. Apart from them, 300,000 people remained without a shelter after the 1988 earthquake, while blockade has been imposed on Armenia by Azerbaijan and Turkey.

Main Comparative Data (per cent)

Territory of the NKR occupied by Azerbaijan	Territories of the Azerbaijan controlled by the Defence Army of the NKR
15%	8%
Refugees and Displaced Persons in the NKR (% of the population)	Refugees and Displaced Persons in Azerbaijan (% of the population)
33%	7.9%


Nagorny Karabakh.
Nagorny Karabakh Republic.
Former NKAO.
Armenian settlements in the
Northern Artsakh (Nagorny Karabakh)
GEORGIA
Lauz
Mingechaur reservoir
Shamkhor
Badakend
Kiamandar
Chardakhlu
Leninkend
Spitakashen
Orjonikidze
Gyulambar
Suzger
Barsumshen
Getashen
Chovdar
Garnakar
Kushchi
Banants
Brajur
Mrut
Ajikend
Ablakh
Kushchi
Armavir
Martunashen
Getashen
Gandzak
(Gyanja)
Yelendorf
(Khanlar)
Kasum-Ismailov
Kedabek
Dashkesan
Zurnabad
Kamo
Chragidzor
Bekum-Sarov
Shaumian
Barda
Maraga
Terter
(Mir-Bashir)
Mardakert
Republic of
ARMENIA
Kelbajar
Agdam
Askeran
STEPANAKERT
Martuni
Shusha
Lachin
Kariagino
(Fizuli)
Hadrut
Jebrail
Kubadli
Zangelan
JERMUK
SISIAN
GORIS
KAPAN
NAKHICHEVAN
JULFA
ORDUBAD
IRAN
Village council centers
Settlements with Armenian population
- Regional centers, towns, villages (including with mixed Azeri population)
- Regional centers, towns, settlements out of the territory of Northern Nagorno Karabakh (Artsakh)

Map No. 1

This map was provided to the Independent Expert by the authorities of Azerbaijan.
The de ineated areas shown do not imply official endorsement or acceptance

MAP # 3

THIS MAP WAS PROVIDED TO THE INDEPENDENT EXPERTS BY THE AUTHORITIES OF THE RA AND THE NKR

MAP # 2

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 6

CONTEMPORARY FORMS OF SLAVERY

Letter dated 27 August 1997 from the Permanent Representative of the Republic of Korea to the United Nations Office at Geneva, addressed to the Chairman of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

I have the honour to enclose herewith the written statement by the Government of the Republic of Korea with regard to the resolution on contemporary forms of slavery (E/CN.4/Sub.2/1997/L.37), in particular, paragraph 53 concerning sexual slavery during the Second World War.

I request that the enclosed statement be circulated as an official document of the Sub-Commission. I also request that the written statement be included in the summary record and/or the final report of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

(Signed): Joun Yung SUN
Ambassador
Permanent Representative

GE.97-13971 (E)

Statement by the representative of the Government of the Republic of Korea on draft resolution L.37

My Government first wishes to pay tribute to the distinguished members of the Working Group on Contemporary Forms of Slavery for their devoted work and efforts aimed at, inter alia, resolving problems associated with sexual slavery during the Second World War, that is, the "comfort women" issue.

My Government has strong reservations to the expression "positive steps", contained in draft resolution L.37 in paragraph 53, because such an expression may sound misleading to the majority of the Korean victims.

Given that the Government of Japan, which holds the key to the resolution of this issue, has been insisting upon compensation for the victims solely through a private fund under the name of the Asian Women's Fund (AWF), disregarding the desire of the majority of the victims from Korea, which is by far the most affected country, the Korean Government cannot share the view that there have been "positive steps made so far towards the solution to this issue", if such steps imply compensation through the above-mentioned Asian Women's Fund.

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COMMISSION ON HUMAN RIGHTS
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of Minorities
Forty-ninth session
Agenda item 10

FREEDOM OF MOVEMENT

Note verbale dated 29 August 1997 from the delegation of Mauritania to the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities addressed to the secretariat of the Sub-Commission

The delegation of Mauritania to the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities presents its compliments to the secretariat of the Sub-Commission and has the honour to request it to distribute the attached statement as an official document under agenda item 10 of the forty-ninth session.

This statement is made in reply to the allegations by the non-governmental organization France-Libertés concerning Mauritania.

STATEMENT

The Convention relating to the Status of Refugees and the other relevant international instruments clearly define refugee status.

This definition cannot apply to any Mauritanian national, since no one can fear persecution in Mauritania for reasons of race, membership of a particular group, public opinions or any other consideration.

The Constitution guarantees public and individual freedoms, protects all citizens against any form of abuse and offers them remedies against acts contrary to their constitutionally or legally established rights.

The State guarantees the security and integrity of all persons living in the territory of the Republic, without any distinction.

Freedom of movement and the right to leave and return to the country are not subject to any restriction, except for persons under judicial supervision.

No Mauritanian can thus give any valid reason based on a well-founded fear in order to claim refugee status.

Ignoring this fact and choosing to live in other countries cannot justify the applicability of such status because this is an option for which the persons concerned assume sole responsibility and which is in any event not covered by the Convention relating to the Status of Refugees.